



6 September 1955

MEMORANDUM FOR: Mr. Houston

SUBJECT: Joseph Leiter Estate

1. Having carefully examined the deed of 6 August 1936, under which Parcels 1 and 2 of the Leiter Estate were conveyed to the Government of the United States, and attached papers in the file made available to us by Mr. Cheatham of the NCPC, I reached the following conclusions.

2. Parcels 1 and 2, described in this deed, are not parcels upon which CIA intends any construction of buildings, although Parcel 2 is the probable site of a road which will give access to the CIA building.

3. Although Parcel 1 was intended to form part of the site of the George Washington Memorial Parkway, the very location of Parcel 2 indicates that it was not granted for this purpose. In fact, the inference is strong that Parcel 2 was ceded in order to secure Government upkeep of the access road running through that parcel for the benefit of the remaining parcels of the Leiter Estate.

4. Even had the Government the intention of using Parcel 1 for some purpose other than the Parkway, there is no reversionary clause in the deed and, in fact, a reversionary clause contemplated in draft was stricken in the final form.

5. The roadway grant in Parcel 2 includes a 20 foot easement on each side of the right of way upon which the grantors agree to construct no buildings. In addition, the conveyance is subject to the agreement by the Government, when a parkway is constructed, to provide access to the parkway from the remaining portion of the Leiter Estate. It would appear that these conditions, intended to benefit the remaining parcels, run with the land. If this is so, then the subsequent acquisition of the remainder of the Leiter Estate by the Government makes the Government successor in interest on both sides of the conditions and thereby renders them unenforceable.

6. The net result of the foregoing is that I see, in the available material, no legal obstacles to our proceeding with construction at Langley. However, there is some propaganda value in this situation for those who oppose CIA's establishment at the Langley site.

7. I am running down the deeds to the remaining portion of the Leiter Estate but so far have not located them.

8. In addition, I am undertaking some investigation to determine what jurisdiction the Federal Government now has over this property. The indications are that any jurisdiction held is concurrent with that of the State of Virginia rather than exclusive. However, both Virginia and Federal statutes provide for increasing the amount of jurisdiction, should such a course be thought desirable by CIA.

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Office of General Counsel

OGC:RPB:mz

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